From: Dave Marker

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As a software engineer, I am most upset by article III. section J. In my professional oppinion J-1(a) can be used by Microsoft to withold any API they choose: who determines what will compromise security?

Witholding APIs is the unfair advantage an operating system vendor may abuse to stifle competition. In fact, this method is in part responsible for Microsoft's ability to crush competitors out of the market (two examples are WordPerfect and Netscape Navigator).

The provision is reasonable in the regaurd that everyone wants computer operating systems to be secure, and engineers in general want to prevent piracy of their work. This is the wrong way to provide it. There is a saying in the computer security industry: "there is no security through obscurity". Security is not gauranteed by hiding applicable APIs, security is achieved by solid design and implementation. Any security problem in any operating system is a result of poor design or implementation and does not deserve court protection, it deserves to be fixed! The code red and other high profile worms that attacked computers running Microsoft Windows did not do so by using published APIs any way. Hackers are willing to take time to discover and reverse engineer what they require to do damage, it is competition must get to the market timely and suffers if it can not.

Similarly, if anti-piracy APIs are done correctly, there is no need to fear publishing them. Good systems rely upon mathematics; not upon keeping the algorithm secret (A well known example is the RSA crypto system).

Given that there is no technical reason for for article III. section J-1a, I can only assume this provision exists for Microsoft to arbitrarily decide which APIs it doesn't want other vendors to know about (and hence Microsoft won't have to compete with them). Or Microsoft wants to slow down (but not prevent hackers) and not alert consumers to flaws in their product. Microsoft, should not, nor any other software vendor, be given the right to make buggy software.

Since properly designed and written APIs do not need secrecy J-2, especially J-2(d) is just providing Microsoft the means to track their competitors progress. Why should Microsoft get to license APIs (which it can arbitrarily choose as provided by J-1) and hence gain revenue and information about time to market from their competition?

With the exception of J-1(b), this is not an acceptable remedy, and will not prevent future abuse.

Thank you,
David Marker